



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
CHARLES J. KROGMEIER, DIRECTOR

March 23, 2010

The Honorable Marcella R. Frevert, Chair
Administrative Rules Review Committee
State Capitol
LOCAL

The Honorable Wally E. Horn, Vice-Chair
Administrative Rules Review Committee
State Capitol
LOCAL

Dear Representative Frevert and Senator Horn:

On March 10, 2009, the Iowa Council on Human Services met and approved Amendments to Chapter 109, Social Services. This rule implements licensing fees and record check fees for child care centers, requires national record checks on all employees, and clarifies training requirements for center directors. (State mandate and initiative; notice ARC 8118B.) After lengthy discussion, it was narrowly approved on a 4-3 vote by the Council. (With the passage of SF 478 in last year's legislative session, the Council approved the rule as it is now in Iowa Code.) The Council also recommended that DHS request a special review of the rules by ARRC in April and that I, as Chair of the Council, send a letter expressing our concerns with the Code as it was amended.

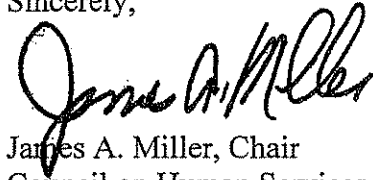
The Council is not in disagreement with the language in the rules as drafted, however, Council members expressed concern regarding the costs child care centers will incur paying for state child abuse and criminal record checks for employees and volunteers who are responsible for the care of the children. It is estimated that 23,000 state record checks are conducted each year for child care centers. Charges for the record checks are set by the Department of Public Safety (DPS), currently \$12.00 per check if child care providers use the SING system. It is anticipated that DPS will be raising the SING fee to \$15.00 per check effective July 1, 2010.

In addition, child care centers are also now responsible for the submission of federal record checks, through fingerprinting of child care center staff and volunteers. While the rule as approved by the Council allows child care centers a 30-day waiting period following the successful clearance of state record checks, the centers will be responsible for the costs of the federal record checks. The federal record check fees are set by the Federal Bureau of Investigations (FBI) and are currently \$30.25 per check. Comments from the public hearing did question the validity of conducting federal record checks if they were not from areas bordering other states.

The Council is very supportive of efforts to assure the safety of children in child care centers, but is concerned, especially during these difficult economic times, the costs child care centers will incur.

Please feel free to contact Nancy Freudenberg of the Department of Human Services if you have questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "James A. Miller". The signature is fluid and cursive, with the first name "James" being more prominent.

James A. Miller, Chair
Council on Human Services

JAM/lm

cc: Council Members:

Phyllis S. Hansell, Des Moines
Roger L. Hartman, Clarinda
Dr. Mark R. Peltan, Mason City
Sally A. Stutsman, Riverside
Donald E. Wright, Cedar Falls
Roberta A. Yoder, Urbandale
State Senator Becky Schmitz
State Senator David Hartsuch
State Representative Lisa Heddens
State Representative Renee Schulte